

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SARA KHAN, DMD,

Plaintiff,

V.

PROGRESSIVE ENDODONTICS
GA, PC and WAHEED MALIK,
DDS, MS,

Defendants.

Civil Action File

No. _____

NOTICE OF REMOVAL

COME NOW Defendants Progressive Endodontics GA, P.C. and Waheed Malik, DDS, MS (collectively “Defendants”), and, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby remove the above-captioned civil action from the Superior Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division, based on the following grounds:

1.

On July 8, 2021, Plaintiff Sara Khan, DMD, filed her Complaint for Violation of Fair Labor Standards Act and Equal Pay Act, Retaliation, and Quantum Meruit (“Complaint”) against Defendants in the Superior Court of Gwinnett County,

Georgia (the “Superior Court Action”). The Superior Court Action case number is 21-A-05293-10.

2.

Defendants acknowledged service of the Complaint on July 12, 2021. This Notice of Removal is filed within 30 days of Defendants’ receipt of the Complaint and acknowledgment of service.

3.

Defendants attach hereto as “Exhibit A” copies of all process, pleadings, and orders served upon it in the Superior Court Action.

4.

Plaintiff’s Complaint alleges violations of federal law, specifically the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, and the Equal Pay Act, 29 U.S.C. § 206(d). (*See* Compl. ¶¶ 30-46.)

5.

This action is thus a civil action over which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331 because it is an action “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

6.

This civil action thus is removable pursuant to 28 U.S.C. § 1441 because the United States District Court has original jurisdiction over this case by reason of federal-question jurisdiction pursuant 28 U.S.C. § 1331. This Court further has supplemental jurisdiction over any state law claims asserted in the Complaint because they arise out of the same facts as Plaintiff's federal claims and form part of the same case or controversy. 28 U.S.C. § 1367(a).

7.

Pursuant to 28 U.S.C. § 90(a)(2), the United States District Court for the Northern District of Georgia, Atlanta Division, is the district court having jurisdiction over the geographical area where the Superior Court Action is pending. Pursuant to 28 U.S.C. § 1441, 1446(a), Defendants thus are entitled to remove this action from the Superior Court of Gwinnett County to this Court.

8.

Contemporaneously with its filing of this Notice of Removal with this Court, Defendants have filed a copy of this Notice of Removal with the clerk of the Superior Court of Gwinnett County and served a notice of this Notice of Removal on Plaintiff, as required by 28 U.S.C. § 1446(d).

WHEREFORE, based on the foregoing, Defendants respectfully request that this case be removed to this Court from the Superior Court of Gwinnett County, and that this Court accept jurisdiction over the Superior Court Action.

Respectfully submitted,

FREEMAN MATHIS & GARY, LLP

/s/ Michael M. Hill

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the within and foregoing **NOTICE OF REMOVAL** has been prepared in compliance with Local Rule 5.1(B) in 14-point Times New Roman type face.

This 6th day of August, 2021.

/s/ Michael M. Hill

Michael M. Hill

Georgia Bar No. 770486

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Counsel for Defendants